

**MINUTES OF THE PUBLIC PORTION OF THE
JUDICIAL CONDUCT COMMISSION MEETING**

January 20, 2015 at 11:00 a.m.

**Utah Law & Justice Center
645 South 200 East
Salt Lake City, Utah**

Present:

Rep. Brian King, Chair
Hon. Deno Himonas
James Jardine
Sen. Karen Mayne
Rep. Kraig Powell
Lois Richins
Hon. Stephen Roth
Terry Welch

Excused:

Robert Behunin
Sen. Stephen Urquhart

Staff:

Colin Winchester
Aimee Thoman
Sara Sherman

Guests:

Bernabe Soto
Ricardo Hernandez

1. Welcome. Rep. King welcomed the Commissioners, staff and guests to the meeting.

2. Approval of Minutes.

Motion: Mr. Jardine

To approve the Minutes of the public portion of the
November 18, 2014 meeting as distributed.

Second: Mr. Welch

Vote: Unanimous

3. Budget. Mr. Winchester reviewed the budget information through December 31, 2014, noting that although 50% of the fiscal year had elapsed, only 46% of the appropriated funds had been spent. He also reported on his and Ms. Thoman's appearance before the Board of Examiners regarding the \$2,081 over-expenditure for FY2014. The Attorney General's motion to require the Commission to adopt policies to prevent future over-expenditures did not receive a second. The Governor then dismissed Commission staff with the direction that they not return with future over-expenditures.

4. Statistical Report. Mr. Winchester reviewed the statistical report.

Number of complaints filed to date in FY15	43
Number of cases pending before the Supreme Court	0
Number of cases pending before the Commission	0
Number of cases under full investigation	1
Number of cases under preliminary investigation	24
Total number of open files	25

5. **NCSC – National College on Judicial Conduct and Ethics.** Mr. Winchester reported that this year’s college will be held October 28-30 in Chicago. He invited Commissioners who are interested in attending to let him know of their interest and to reserve the dates on their calendars now. After the close of the current fiscal year, the Commission will determine how many Commissioners and staff members it can afford to send to the college.
6. **Location of Future Commission Meetings.** The Commission discussed the cost of continuing to meet at the Utah Law & Justice Center (ULJC). Mr. Jardine and Mr. Welch offered to have their respective firms host Commission meetings at no charge. The Commission discussed the pros and cons of moving the meetings.

Motion: Judge Himonas To move, on an alternating trial basis, the Commission meetings to the Ray Quinney and Parr Brown law firms.

Second: Mr. Jardine

Rep. Powell noted that parking is very convenient at the ULJC, that many similar committees and commissions meet at the ULJC, and that the cost of meeting at the ULJC is only approximately \$1,000 per year. Upon further discussion, the motion was withdrawn and the Commission determined to continue to meet at the ULJC.

Sen. Mayne arrived at the meeting.

7. **Proposed Standards of Judicial Professionalism and Civility.** Rep. King noted that the Supreme Court invited the Commission to comment on the proposed standards and extended the comment deadline in order to accommodate and receive the Commission’s comments.

Rep. King noted that lines 43-45 state that the standards will be aspirational and are not to be used as bases for imposing judicial discipline. Judge Himonas and Mr. Welch noted that the standards will not interfere with the Commission’s work, but may occasionally provide helpful “color” to the rules and comments in the Code of Judicial Conduct. The Commission discussed when, and under what circumstances, it might be appropriate for the Commission to refer to the standards in the investigation or resolution of a Commission complaint. Sen. Mayne noted that the types of conduct addressed in the standards are often the subject of discussion in judicial confirmation committee hearings. Rep. King noted that because the standards are only aspirational, they may be ignored by some judges.

Motion: Mr. Welch To acknowledge and express appreciation for the drafting committee’s efforts; to indicate that the Commission has no negative concerns; to comment positively on the statement in lines 43-45; and to state that the Commission will, on a case-by-case basis, determine when and under what circumstances to refer to the standards in the context of judicial disciplinary investigations and resolutions.

Second: Judge Himonas

Vote: Unanimous

8. Closure of Meeting.

Motion:	Ms. Richins	To close the meeting to the public for the purpose of conducting a confidential session.
Second:	Sen. Mayne	
Vote:	Unanimous	

At the conclusion of the confidential portion of the meeting, the meeting was re-opened to the public.

9. Next Meeting. The next Commission meeting will be held at the Utah Law & Justice Center on March 17, 2015, beginning at 11:00 a.m.

10. Adjournment.

Motion:	Rep. Powell	To adjourn.
Second:	Mr. Welch	
Vote:	Unanimous	